

**MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
THURSDAY MARCH 15, 2007
DE CHAMPLAIN CONFERENCE ROOM, AUGUSTA
RATIFIED BY THE MAINE EMS BOARD – APRIL 4, 2007**

MEETING MINUTES

Present: Rick Doughty, Paul Knowlton, Oden Cassidy, Carol Pillsbury,
Bill Montejo

Staff: Dawn Kinney, Alan Leo

Maine EMS Investigator: Karen Packard

AAG: Laura Yustak Smith

1. Call To Order: The meeting was called to order at 9:30 a.m.

A. Additions/Deletions to the Agenda - None

2. Complaint/Investigation Cases 05-02, 06-07, 06-17, 06-20, 07-03, 07-04.

The committee entered executive session for the purpose of review and reviewing investigations and discussing cases, 06-17, 06-20, 07-03, and 07-04.

Motion: To enter executive session pursuant to 32 M.R.S.A. §90(A)(3), §92(3) and 1 M.R.S.A. §405(6)(F) for the purpose of discussing cases 06-17, 06-20, 07-03 and 07-04, and 1 M.R.S.A. §405(6)(E) for receiving legal advice. (Doughty; Knowlton - motion carries)

The committee entered executive session at 9:30 a.m. and exited at 10:30 a.m.

During executive session, the committee discussed options for disposition of cases 06-17, 06-20, 07-03 and 07-04.

Motion: In case 06-17, to deny renewal application based on the Licensee's conviction for Assault (Class D) in violation of 17-A M.R.S.A. §207 (1)(A). The committee finds that Licensee was in violation of the Maine EMS Statute Title 32 M.R.S.A. §90(5)(G) and MEMS Rules Chapter 11§1(4) Any criminal conviction, subject to the limitations of Maine statute; Chapter 11§1(5) Acting in ways that are dangerous or injurious to the licensee or other persons; Chapter 11§1(13) Engaging in conduct prohibited by law, other than conduct that falls with the following categories and is not related to the practice: minor traffic violations; minor civil violations; and conduct that could be charged as Class E crimes under Maine law; Chapter 11§1(14) Violation of any standard established in the profession; and Chapter 11§1(22) (a) Incompetent practice. The Committee finds that this conviction is directly related to the profession; and that the Licensee has not shown that he has been reasonably rehabilitated to warrant the public trust because of the recency of the conviction, Licensee's failure to take responsibility and the absence of any letters of recommendation. The Committee considers this investigation 06-17 resolved and closed. (Montejo; Cassidy - motion carries).

Motion: In case 06-20, The Committee finds that Licensee violated Maine EMS Rules (dated September 1, 2006) Chapter 11§ (1)(34) Aiding the practice of emergency medical treatment by a person not duly licensed under 32 M.R.S.A., Chapter 20B. The Committee moves that staff send a Letter of Guidance for allowing an unlicensed provider to respond and provide patient care on their behalf. The Committee also requests the service to clarify its policy to include wording “that prior to expiration”. The Committee found mitigating circumstances in that; Licensee came forward to MEMS; Licensee took full responsibility for what occurred; Licensee removed the provider from his Lieutenants position; Licensee developed a policy and procedure for the service to prevent this from happening again and no one was harmed. In consideration of the mitigating factors the violation did not warrant disciplinary action. The Letter of Guidance will be kept on file for 5 years. The Committee considers this investigation 06-20 resolved and closed. (Doughty; Cassidy - motion carries).

Motion: In case 07-03, The Committee finds that Licensee violated Maine EMS Rules (Dated September 1, 2006) Chapter §(1)(30) Providing treatment at a level for which a person is not licensed or for which a service is not licensed or permitted. The Committee moves that staff send a Letter of Guidance for providing patient care without a current license. The Committee found mitigating circumstances in that Licensee had received the required training prior to expiration of license; Licensee took responsibility and was following service policy. In consideration of the mitigating factors the violation did not warrant disciplinary action. The Letter of Guidance will be kept on file for 5 years. The Committee considers this investigation 07-03 resolved and closed. (Doughty; Montejo – Pillsbury opposed – motion carries).

Motion: In case 07-04, The Committee directed staff to continue with investigation. (Doughty; Knowlton - motion carries).

Motion: To enter executive session pursuant to 32 M.R.S.A. §90(A)(3), §92(3) and 1 M.R.S.A. §405(6)(F) for the purpose of discussing cases 06-07 and 05-02, and 1 M.R.S.A. §405(6)(E) for receiving legal advice. (Doughty; Cassidy - motion carries).

The committee entered executive session at 12:40 p.m. and exited at 2:10 p.m.

During executive session, the committee discussed options for disposition of case 06-07.

Motion: In case 06-07, The Committee finds that Licensee grounds for discipline exist pursuant to Title 32 M.R.S.A. §90(5)(G) [actionable convictions] and MEMS Rules (dated September 1, 2006) Chapter 11§1(4) Any criminal conviction, subject to the limitations of Maine statute. The violations were based on the Licensee conviction for Unlawful Sexual Touching (Class D) in violation of 17 – A M.R.S.A. §260(1)(A). The Committee found mitigating circumstances in that Licensee’s counselor submitted a letter attesting to Licensee’s rehabilitation; Licensee submitted five letters of reference. In consideration of the mitigating factors, the Committee finds that the Licensee is rehabilitated to warrant the public’s trust subject to a consent agreement for 7 years. The consent agreement will include the following; 1) 60 day license suspension from January 1, 2007 to March 31, 2007. 2) Licensee will report any criminal charge filed against Licensee in any state or Federal Court; that if charges are filed against licensee in any state or Federal court, Licensee will immediately surrender any license issued by Maine EMS. 3) Licensee will continue with counseling and counselor will submit a progress report every 6 months or until Licensee is discharged from counseling; Licensee will sign any necessary waivers to allow EMS staff or council to communicate with counselor. The Committee considers this investigation 06-07 resolved and closed. (Doughty; Knowlton – Cassidy Abstained – motion carries).

Prior to discussion of case 05-02, Paul Knowlton and Rick Doughty recused themselves for the following reasons:

- The licensee had spoken with Paul directly regarding the allegations at issue. As a result, Paul had information directly related to the case that he received outside of the committee, and may be a potential witness.
- Rick had information directly related to the case that he received outside of the committee, and may be a potential witness.

During executive session, the committee discussed options for disposition of case 05-02.

Motion: In case 05-02, to deny renewal application based on the Licensee's conduct [sexual and/or physical abuse] that is in violation of Maine EMS Rules (dated September 1, 2006) Chapter 11§(1)(4) Acting in ways that are dangerous or injurious to the licensee or other person. The Committee considers this investigation 05-02 resolved and closed. (Montejo; Cassidy - motion carries).

A. Informal Conference – Case # 07-06

Motion: To enter executive session pursuant to 32 M.R.S.A. §90(A)(3), §92(3) and 1 M.R.S.A. §405(6)(F) for the purpose of conducting an informal conference concerning case 07-06, and 1 M.R.S.A. §405(6)(E) for receiving legal advice. (Doughty; Cassidy - motion carries)

The committee entered executive session for the purpose of conducting an informal conference with the subject of case 07-06 at 10:35 am and exited at 11:05 p.m.

During executive session, the committee conducted an informal conference with licensee and discussed options for disposition of case 07-06.

Motion: The Committee finds no rules violations and moves to dismiss the complaint. The Committee finds that the Licensee met all the terms of his consent agreement including providing verification that Licensee completed a state of Maine Driver Education and Evaluation Program (DEEP). The Committee considers this investigation 07-06 resolved and closed. (Doughty; Cassidy – Montejo opposed - motion carries).

B. Informal Conference – Case 06-19

Motion: To enter executive session pursuant to 32 M.R.S.A. §90(A)(3), §92(3) and 1 M.R.S.A. §405(6)(F) for the purpose of conducting an informal conference concerning case 06-19 and 1 M.R.S.A. §405(6)(E) for receiving legal advice. (Doughty; Cassidy - motion carries)

The committee entered executive session for the purpose of conducting an informal conference with the subject of case 06-19 at 11:35 am and exited at 12:40 p.m.

During executive session, the committee conducted an informal conference with licensee and discussed options for disposition of case 06-19.

Motion: In case 06-19; The Committee finds that Licensee violated Maine EMS Rules (Dated September 1, 2006) Chapter §(1)(30) Providing treatment at a level for which a person is not licensed or for which a service is not licensed or permitted. This violation is based on the Licensee providing patient care with an expired license and Licensee had not completed the required training for August 2006. The Committee found mitigating circumstances in that; Licensee had received the required training prior to providing patient care in October 2006; Licensee took responsibility for his actions. Licensee stopped practicing upon learning of unlicensed status. In consideration of the mitigating factors the Committee will resolve this investigation with a Consent Agreement to include a reprimand. The Committee considers this investigation 06-19 resolved and closed. (Doughty; Montejo – Pillsbury opposed – carries)

3. Applications

A. Michael Nicholas

The Committee reviewed the application dated December 5, 2006 and several documents. Committee requested additional information.

B. Richard Hartley, Jr.

The applicant requested we return his application for reciprocity from Rhode Island. Application was returned on March 1, 2007.

C. Paul Bean

The Committee reviewed additional information on Mr. Bean. Committee directed staff to continue investigation and to request additional information, specifically, the Licensee's relapse prevention plan.

4. Next Meeting

The next meeting is scheduled for Thursday, April 26, 2007 at 9:30 a.m.

5. Adjourn

Adjourn – The meeting was adjourned at 2:10 p.m.

Respectfully submitted,

Dawn Kinney, EMT-P
Licensing Agent